

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

11 NICHIA CORPORATION,

No. 06-0162 MMC

12 Plaintiff

13 v.

**ORDER DENYING PLAINTIFF'S
ADMINISTRATIVE MOTION TO FILE
EXHIBITS UNDER SEAL (DOCKET #
814)**

14 SEOUL SEMICONDUCTOR, LTD., et al.,

15 Defendants

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17 Before the Court is plaintiff's "Administrative Motion to File Under Seal Plaintiff
18 Nichia Corporation's Confidential Exhibits to the Declaration of Michael J. Song in Support
19 of Plaintiff's Opposition to Seoul's Motion of Summary Judgment Regarding Allegations of
20 Willfulness," filed October 1, 2007, by which plaintiff seeks leave to file certain exhibits
21 under seal, in light of defendants' having assertedly designated the exhibits as confidential.

22 Under the Local Rules of this District, where a party seeks to file under seal any
23 material designated as confidential by another party, the submitting party must file a motion
24 for a sealing order. See Civil L.R. 79-5(d). "Within five days thereafter, the designating
25 party must file with the Court and serve a declaration establishing that the designated
26 information is sealable, and must lodge and serve a narrowly tailored proposed sealing
27 order, or must withdraw the designation of confidentiality." Id. "If the designating party
28 does not file its responsive declaration as required by this subsection, the document or

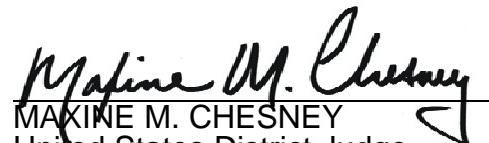
1 proposed filing will be made part of the public record." Id.

2 Here, the designating parties, defendants, have not filed a responsive declaration
3 within the time provided under Civil Local Rule 79-5(d).

4 Accordingly, the administrative motion is hereby DENIED, and the Clerk is
5 DIRECTED to file in the public record the Confidential Exhibits to the Declaration of Michael
6 J. Song in Support of Plaintiff's Opposition to Seoul's Motion of Summary Judgment
7 Regarding Allegations of Willfulness.

8 **IT IS SO ORDERED.**

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10 Dated: October 22, 2007


MAXINE M. CHESNEY
United States District Judge

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